

53A-11-101. Definitions.

For purposes of this part:

(1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a school-age minor assigned to a class or class period to attend the entire class or class period.

(b) A school-age minor may not be considered absent under this part more than one time during one day.

(2) "Habitual truant" means a school-age minor who:

(a) is at least 12 years old;

(b) is subject to the requirements of Section 53A-11-101.5; and

(c) (i) is truant at least 10 times during one school year; or

(ii) fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem as required under Section 53A-11-103.

(3) "Minor" means a person under the age of 18 years.

(4) "Parent" includes:

(a) a custodial parent of the minor;

(b) a legally appointed guardian of a minor; or

(c) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (4)(a) or (b).

(5) "School-age minor" means a minor who:

(a) is at least six years old, but younger than 18 years old; and

(b) is not emancipated.

(6) "School year" means the period of time designated by a local school board or local charter board as the school year for the school where the school-age minor:

(a) is enrolled; or

(b) should be enrolled, if the school-age minor is not enrolled in school.

(7) "Truant" means absent without a valid excuse.

(8) "Truant minor" means a school-age minor who:

(a) is subject to the requirements of Section 53A-11-101.5 or 53A-11-101.7; and

(b) is truant.

(9) "Valid excuse" means:

(a) an illness;

(b) a family death;

(c) an approved school activity;

(d) an absence permitted by a school-age minor's:

(i) individualized education program, developed pursuant to the Individuals with Disabilities Education Improvement Act of 2004, as amended; or

(ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act of 1973, as amended; or

(e) any other excuse established as valid by a local school board, local charter board, or school district.

Amended by Chapter 81, 2007 General Session

53A-11-101.3. Preapproval of extended absence.

In determining whether to preapprove an extended absence of a school-age

minor as a valid excuse under Subsection 53A-11-101(9)(e), a local school board, local charter board, or school district shall approve the absence if the local school board, local charter board, or school district determines that the extended absence will not adversely impact the school-age minor's education.

Enacted by Chapter 81, 2007 General Session

53A-11-101.5. Compulsory education.

- (1) For purposes of this section:
 - (a) "Intentionally" is as defined in Section 76-2-103.
 - (b) "Recklessly" is as defined in Section 76-2-103.
 - (c) "Remainder of the school year" means the portion of the school year beginning on the day after the day on which the notice of compulsory education violation described in Subsection (3) is served and ending on the last day of the school year.
 - (d) "School-age child" means a school-age minor under the age of 14.
- (2) Except as provided in Section 53A-11-102 or 53A-11-102.5, the parent of a school-age minor shall enroll and send the school-age minor to a public or regularly established private school.
- (3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is absent without a valid excuse at least five times during the school year.
 - (4) The notice of compulsory education violation, described in Subsection (3):
 - (a) shall direct the parent of the school-age child to:
 - (i) meet with school authorities to discuss the school-age child's school attendance problems; and
 - (ii) cooperate with the school board, local charter board, or school district in securing regular attendance by the school-age child;
 - (b) shall designate the school authorities with whom the parent is required to meet;
 - (c) shall state that it is a class B misdemeanor for the parent of the school-age child to intentionally or recklessly:
 - (i) fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or
 - (ii) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year;
 - (d) shall be served on the school-age child's parent by personal service or certified mail; and
 - (e) may not be issued unless the school-age child has been truant at least five times during the school year.
 - (5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt from enrollment under Section 53A-11-102 or 53A-11-102.5.

(6) It is a class B misdemeanor for a parent of a school-age child to, after being served with a notice of compulsory education violation in accordance with Subsections (3) and (4), intentionally or recklessly:

(a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child's school attendance problems; or

(b) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year.

(7) A local school board, local charter board, or school district shall report violations of this section to the appropriate county or district attorney.

Amended by Chapter 203, 2012 General Session

53A-11-101.7. Truancy -- Notice of truancy -- Failure to cooperate with school authorities -- Habitual truant citation.

(1) Except as provided in Section 53A-11-102 or 53A-11-102.5, a school-age minor who is enrolled in a public school shall attend the public school in which the school-age minor is enrolled.

(2) A local school board, charter school governing board, or school district may impose administrative penalties on a school-age minor who is truant.

(3) A local school board or charter school governing board:

(a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue notices of truancy to school-age minors who are at least 12 years old; and

(b) shall establish a procedure for a school-age minor, or the school-age minor's parents, to contest a notice of truancy.

(4) The notice of truancy described in Subsection (3):

(a) may not be issued until the school-age minor has been truant at least five times during the school year;

(b) may not be issued to a school-age minor who is less than 12 years old;

(c) may not be issued to a minor exempt from school attendance as provided in Section 53A-11-102 or 53A-11-102.5;

(d) shall direct the school-age minor and the parent of the school-age minor to:

(i) meet with school authorities to discuss the school-age minor's trancies; and

(ii) cooperate with the school board, local charter board, or school district in securing regular attendance by the school-age minor; and

(e) shall be mailed to, or served on, the school-age minor's parent.

(5) (a) Except as provided in Subsection (5)(b), a habitual truant citation may be issued to a habitual truant if:

(i) the local school board, charter school governing board, or school district has made reasonable efforts, under Section 53A-11-103, to resolve the school attendance problems of the habitual truant; and

(ii) the efforts to resolve the school attendance problems, described in Subsection (5)(a)(i), have not been successful.

(b) A habitual truant citation may not be issued to a habitual truant if the habitual truant:

(i) has at least a 3.5 cumulative grade point average; and

(ii) is at least 16 years old.

(6) A habitual truant to whom a habitual truant citation is issued under Subsection (5):

(a) shall be referred to the juvenile court for violation of Subsection (1); and

(b) is subject to the jurisdiction of the juvenile court.

(7) A notice of truancy or a habitual truant citation may only be issued by:

(a) a school administrator, or a truancy specialist, who is authorized by a local school board or charter school governing board;

(b) a designee of a school administrator described in Subsection (7)(a); or

(c) a law enforcement officer acting as a school resource officer.

(8) Nothing in this part prohibits a local school board, charter school governing board, or school district from taking action to resolve a truancy problem with a school-age minor who has been truant less than five times, provided that the action does not conflict with the requirements of this part.

(9) Nothing in this part allows a local school board or charter school governing board to issue a citation pursuant to this section if the minor is exempt from school attendance as provided in Section 53A-11-102 or 53A-11-102.5.

Amended by Chapter 359, 2014 General Session

53A-11-102. Minors exempt from school attendance.

(1) (a) A local school board or charter school governing board may excuse a school-age minor from attendance for any of the following reasons:

(i) a school-age minor over age 16 may receive a partial release from school to enter employment, or attend a trade school, if the school-age minor has completed the eighth grade; or

(ii) on an annual basis, a school-age minor may receive a full release from attending a public, regularly established private, or part-time school or class if:

(A) the school-age minor has already completed the work required for graduation from high school, or has demonstrated mastery of required skills and competencies in accordance with Subsection 53A-15-102(1);

(B) the school-age minor is in a physical or mental condition, certified by a competent physician if required by the local school board or charter school governing board, which renders attendance inexpedient and impracticable;

(C) proper influences and adequate opportunities for education are provided in connection with the school-age minor's employment; or

(D) the district superintendent or charter school governing board has determined that a school-age minor over the age of 16 is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.

(b) A school-age minor receiving a partial release from school under Subsection (1)(a)(i) is required to attend:

(i) school part time as prescribed by the local school board or charter school governing board; or

(ii) a home school part time.

(c) In each case, evidence of reasons for granting an exemption under

Subsection (1) must be sufficient to satisfy the local school board or charter school governing board.

(d) A local school board or charter school governing board that excuses a school-age minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor is excused from attendance during the time specified on the certificate.

(2) (a) A local school board shall excuse a school-age minor from attendance, if the school-age minor's parent files a signed and notarized affidavit with the school-age minor's school district of residence, as defined in Section 53A-2-201, that:

- (i) the school-age minor will attend a home school; and
- (ii) the parent assumes sole responsibility for the education of the school-age minor, except to the extent the school-age minor is dual enrolled in a public school as provided in Section 53A-11-102.5.

(b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall remain in effect as long as:

- (i) the school-age minor attends a home school; and
- (ii) the school district where the affidavit was filed remains the school-age minor's district of residence.

(c) A parent of a school-age minor who attends a home school is solely responsible for:

- (i) the selection of instructional materials and textbooks;
- (ii) the time, place, and method of instruction; and
- (iii) the evaluation of the home school instruction.

(d) A local school board may not:

- (i) require a parent of a school-age minor who attends a home school to maintain records of instruction or attendance;

- (ii) require credentials for individuals providing home school instruction;
- (iii) inspect home school facilities; or
- (iv) require standardized or other testing of home school students.

(e) Upon the request of a parent, a local school board shall identify the knowledge, skills, and competencies a student is recommended to attain by grade level and subject area to assist the parent in achieving college and career readiness through home schooling.

(f) A local school board that excuses a school-age minor from attendance as provided by this Subsection (2) shall annually issue a certificate stating that the school-age minor is excused from attendance for the specified school year.

(g) A local school board shall issue a certificate excusing a school-age minor from attendance:

- (i) within 30 days after receipt of a signed and notarized affidavit filed by the school-age minor's parent pursuant to Subsection (2); and

- (ii) on or before August 1 each year thereafter unless:

- (A) the school-age minor enrolls in a school within the school district;

- (B) the school-age minor's parent or guardian notifies the school district that the school-age minor no longer attends a home school; or

- (C) the school-age minor's parent or guardian notifies the school district that the school-age minor's school district of residence has changed.

(3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a) is exempt from the application of Subsections 53A-11-101.5(2), (5), and (6).

(4) Nothing in this section may be construed to prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between a school or school district and a parent or guardian of a minor attending a home school.

Amended by Chapter 374, 2014 General Session

53A-11-102.5. Dual enrollment.

(1) "District school" means a public school under the control of a local school board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

(2) A person having control of a minor who is enrolled in a regularly established private school or a home school may also enroll the minor in a public school for dual enrollment purposes.

(3) The minor may participate in any academic activity in the public school available to students in the minor's grade or age group, subject to compliance with the same rules and requirements that apply to a full-time student's participation in the activity.

(4) (a) A student enrolled in a dual enrollment program in a district school is considered a student of the district in which the district school of attendance is located for purposes of state funding to the extent of the student's participation in the district school programs.

(b) A student enrolled in a dual enrollment program in a charter school is considered a student of the charter school for purposes of state funding to the extent of the student's participation in the charter school programs.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules for purposes of dual enrollment to govern and regulate the transferability of credits toward graduation that are earned in a private or home school.

Amended by Chapter 210, 2010 General Session

53A-11-102.6. Private school and home school students' participation in extracurricular activities in a public school.

(1) As used in this section:

(a) "Academic eligibility requirements" means the academic eligibility requirements that a home school student is required to meet to participate in an extracurricular activity in a public school.

(b) "Principal" means the principal of the school in which a home school student participates or intends to participate in an extracurricular activity.

(2) (a) A minor who is enrolled in a private school or a home school shall be eligible to participate in an extracurricular activity at a public school as provided in this section.

(b) A private school student may only participate in an extracurricular activity at a public school that is not offered by the student's private school.

(c) Except as provided in Subsection (2)(d), a private school student or a home school student may only participate in an extracurricular activity at:

(i) the school within whose attendance boundaries the student's custodial parent or legal guardian resides; or

(ii) the school from which the student withdrew for the purpose of attending a private or home school.

(d) A school other than a school described in Subsection (2)(c)(i) or (ii) may allow a private school student or a home school student to participate in an extracurricular activity other than:

(i) an interscholastic competition of athletic teams sponsored and supported by a public school; or

(ii) an interscholastic contest or competition for music, drama, or forensic groups or teams sponsored and supported by a public school.

(3) (a) Except as provided in Subsections (4) through (13), a private school or home school student shall be eligible to participate in an extracurricular activity at a public school consistent with eligibility standards:

(i) applied to a fully enrolled public school student;

(ii) of the public school where the private school or home school student participates in an extracurricular activity; and

(iii) for the extracurricular activity in which the private school or home school student participates.

(b) A school district or public school may not impose additional requirements on a private school or home school student to participate in an extracurricular activity that are not imposed on a fully enrolled public school student.

(c) (i) A private school or home school student who participates in an extracurricular activity at a public school shall pay the same fees as required of a fully enrolled public school student to participate in an extracurricular activity.

(ii) If a local school board or charter school governing board imposes a mandatory student activity fee for a student enrolled in a public school, the fee may be imposed on a private school or home school student who participates in an extracurricular activity at the public school if the same benefits of paying the mandatory student activity fee that are available to a fully enrolled public school student are available to a private school or home school student who participates in an extracurricular activity at the public school.

(4) Eligibility requirements based on school attendance are not applicable to a home school student.

(5) A home school student meets academic eligibility requirements to participate in an extracurricular activity if:

(a) the student is mastering the material in each course or subject being taught; and

(b) the student is maintaining satisfactory progress towards achievement or promotion.

(6) (a) To establish a home school student's academic eligibility, a parent, teacher, or organization providing instruction to the student shall submit an affidavit to the principal indicating the student meets academic eligibility requirements.

(b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home

school student shall:

- (i) be considered to meet academic eligibility requirements; and
- (ii) retain academic eligibility for all extracurricular activities during the activity season for which the affidavit is submitted, until:

- (A) a panel established under Subsection (10) determines the home school student does not meet academic eligibility requirements; or

- (B) the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the student no longer meets academic eligibility requirements.

(7) (a) A home school student who loses academic eligibility pursuant to Subsection (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the home school student has reestablished academic eligibility.

(b) If a home school student reestablishes academic eligibility pursuant to Subsection (7)(a), the home school student may participate in extracurricular activities for the remainder of the activity season for which an affidavit was submitted under Subsection (6)(a).

(8) A person who has probable cause to believe a home school student does not meet academic eligibility requirements may submit an affidavit to the principal:

- (a) asserting the home school student does not meet academic eligibility requirements; and

- (b) providing information indicating that the home school student does not meet the academic eligibility requirements.

(9) A principal shall review the affidavit submitted under Subsection (8), and if the principal determines it contains information which constitutes probable cause to believe a home school student may not meet academic eligibility requirements, the principal shall request a panel established pursuant to Subsection (10) to verify the student's compliance with academic eligibility requirements.

(10) (a) A school district superintendent shall:

- (i) appoint a panel of three individuals to verify a home school student's compliance with academic eligibility requirements when requested by a principal pursuant to Subsection (9); and

- (ii) select the panel members from nominees submitted by national, state, or regional organizations whose members are home school students and parents.

- (b) Of the members appointed to a panel under Subsection (10)(a):

- (i) one member shall have experience teaching in a public school as a licensed teacher and in home schooling high school-age students;

- (ii) one member shall have experience teaching in a higher education institution and in home schooling; and

- (iii) one member shall have experience in home schooling high school-age students.

- (11) A panel appointed under Subsection (10):

- (a) shall review the affidavit submitted under Subsection (8);

- (b) may confer with the person who submitted the affidavit under Subsection (8);

- (c) shall request the home school student to submit test scores or a portfolio of work documenting the student's academic achievement to the panel;

(d) shall review the test scores or portfolio of work; and
(e) shall determine whether the home school student meets academic eligibility requirements.

(12) A home school student who meets academic eligibility requirements pursuant to Subsection (11), retains academic eligibility for all extracurricular activities during the activity season for which an affidavit is submitted pursuant to Subsection (6).

(13) (a) A panel's determination that a home school student does not comply with academic eligibility requirements is effective for an activity season and all extracurricular activities that have academic eligibility requirements.

(b) A home school student who is not in compliance with academic eligibility requirements as determined by a panel appointed under Subsection (11) may seek to establish academic eligibility under this section for the next activity season.

(14) (a) A public school student who has been declared to be academically ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student:

(i) demonstrates academic eligibility by providing test results or a portfolio of the student's work to the school principal, provided that a student may not reestablish academic eligibility under this Subsection (14)(a) during the same activity season in which the student was declared to be academically ineligible;

(ii) returns to public school and reestablishes academic eligibility; or

(iii) enrolls in a private school and establishes academic eligibility.

(b) A public school student who has been declared to be behaviorally ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student meets eligibility standards as provided in Subsection (3).

(15) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, a private school student and a home school student shall be eligible to try out for and participate in the activity as provided in this section.

(16) (a) If a student exits a public school to enroll in a private or home school mid-semester or during an activity season, and the student desires to participate in an extracurricular activity at the public school, the public school shall issue an interim academic assessment based on the student's work in each class.

(b) A student's academic eligibility to participate in an extracurricular activity under the circumstances described in Subsection (16)(a) shall be based on the student meeting public school academic eligibility standards at the time of exiting public school.

(c) A student may appeal an academic eligibility determination made under Subsection (16)(b) in accordance with procedures for appealing a public school student's academic eligibility.

Amended by Chapter 340, 2011 General Session

53A-11-102.7. Placement of a home school student who transfers to a public school.

(1) For the purposes of this section, "home school student" means a student who attends a home school pursuant to Section 53A-11-102.

(2) When a home school student transfers from a home school to a public school, the public school shall place the student in the grade levels, classes, or courses that the student's parent or guardian and in consultation with the school administrator determine are appropriate based on the parent's or guardian's assessment of the student's academic performance.

(3) (a) Within 30 days of a home school student's placement in a public school grade level, class, or course, either the student's teacher or the student's parent or guardian may request a conference to consider changing the student's placement.

(b) If the student's teacher and the student's parent or guardian agree on a placement change, the public school shall place the student in the agreed upon grade level, class, or course.

(c) If the student's teacher and the student's parent or guardian do not agree on a placement change, the public school shall evaluate the student's subject matter mastery in accordance with Subsection (3)(d).

(d) The student's parent or guardian has the option of:

(i) allowing the public school to administer, to the student, assessments that are:

(A) regularly administered to public school students; and

(B) used to measure public school students' subject matter mastery and determine placement; or

(ii) having a private entity or individual administer assessments of subject matter mastery to the student at the parent's or guardian's expense.

(e) After an evaluation of a student's subject matter mastery, a public school may change a student's placement in a grade level, class, or course.

(4) This section does not apply to a student who is dual enrolled in a public school and a home school pursuant to Section 53A-11-102.5.

Enacted by Chapter 374, 2014 General Session

53A-11-103. Duties of a school board, local charter board, or school district in resolving attendance problems -- Parental involvement -- Liability not imposed.

(1) (a) Except as provided in Subsection (1)(b), a local school board, local charter board, or school district shall make efforts to resolve the school attendance problems of each school-age minor who is, or should be, enrolled in the school district.

(b) A minor exempt from school attendance under Section 53A-11-102 or 53A-11-102.5 is not considered to be a minor who is or should be enrolled in a school district or charter school under Subsection (1)(a).

(2) The efforts described in Subsection (1) shall include, as reasonably feasible:

(a) counseling of the minor by school authorities;

(b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in accordance with Section 53A-11-101.7;

(c) issuing a habitual truant citation, in accordance with Section 53A-11-101.7;

(d) issuing a notice of compulsory education violation to a parent of a school-age child, in accordance with Section 53A-11-101.5;

(e) making any necessary adjustment to the curriculum and schedule to meet special needs of the minor;

- (f) considering alternatives proposed by a parent;
- (g) monitoring school attendance of the minor;
- (h) voluntary participation in truancy mediation, if available; and
- (i) providing a school-age minor's parent, upon request, with a list of resources available to assist the parent in resolving the school-age minor's attendance problems.

(3) In addition to the efforts described in Subsection (2), the local school board, local charter board, or school district may enlist the assistance of community and law enforcement agencies as appropriate and reasonably feasible.

(4) This section shall not impose any civil liability on boards of education, local school boards, local charter boards, school districts, or their employees.

(5) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 78A-6-319.

Amended by Chapter 203, 2012 General Session

53A-11-104. Truancy specialists.

A local school board or local charter board may appoint and fix the compensation of a truancy specialist to assist in enforcing laws related to school attendance and to perform other duties prescribed by law or the board.

Amended by Chapter 81, 2007 General Session

**53A-11-105. Taking custody of a person believed to be a truant minor --
Disposition -- Receiving centers -- Reports -- Immunity from liability.**

(1) A peace officer or public school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.

(2) An individual taking a school-age minor into custody under Subsection (1) shall, without unnecessary delay, release the minor to:

- (a) the principal of the minor's school;
- (b) a person who has been designated by the local school board or local charter board to receive and return the minor to school; or
- (c) a receiving center established under Subsection (5).

(3) If the minor refuses to return to school or go to the receiving center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor to their custody.

(4) If the parents cannot be reached or are unable or unwilling to accept custody, the minor shall be referred to the Division of Child and Family Services.

(5) (a) A local school board or local charter board, singly or jointly with another school board, may establish or designate receiving centers within existing school buildings and staff the centers with existing teachers or staff to provide educational guidance and counseling for truant minors. Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and direct the minor's parents to come to the center, pick up the minor, and return the minor to the school in which the minor is enrolled.

(b) If the parents cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably

necessary to insure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services. A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.

(6) Action taken under this section shall be reported to the appropriate school district. The district shall promptly notify the minor's parents of the action taken.

(7) The Utah Governmental Immunity Act applies to all actions taken under this section.

(8) Nothing in this section may be construed to grant authority to a public school administrator to place a minor in the custody of the Division of Child and Family Services, without complying with the provisions of Title 62A, Chapter 4a, Parts 2, Child Welfare Services, and 2A, Minors in Custody on Grounds Other Than Abuse or Neglect, and of Title 78A, Chapter 6, Parts 3, Abuse, Neglect, and Dependency Proceedings, and 4, Minors in Custody on Grounds Other Than Abuse or Neglect.

Amended by Chapter 3, 2008 General Session

53A-11-106. Truancy support centers.

(1) A school district may establish one or more truancy support centers for:

- (a) truant minors taken into custody under Section 53A-11-105; or
- (b) students suspended or expelled from school.

(2) A truancy support center shall provide services to the truant minor and the truant minor's family, including:

- (a) assessments of the truant minor's needs and abilities;
- (b) support for the parents and truant minor through counseling and community programs; and
- (c) tutoring for the truant minor during the time spent at the center.

(3) For the suspended or expelled student, the truancy support center shall provide an educational setting, staffed with certified teachers and aides, to provide the student with ongoing educational programming appropriate to the student's grade level.

(4) In a district with a truancy support center, all students suspended or expelled from school shall be referred to the center. A parent or guardian shall appear with the student at the center within 48 hours of the suspension or expulsion, not including weekends or holidays. The student shall register and attend classes at the truancy support center for the duration of the suspension or expulsion unless the parent or guardian demonstrates that alternative arrangements have been made for the education or supervision of the student during the time of suspension or expulsion.

(5) The truancy support center may provide counseling and other support programming for students suspended or expelled from school and their parents or guardian.

Amended by Chapter 81, 2007 General Session

53A-11-201. Rules for examinations prescribed by Department of Health -- Notification of impairment.

(1) (a) Each local school board shall implement rules as prescribed by the

Department of Health for vision, dental, abnormal spinal curvature, and hearing examinations of students attending the district's schools.

(b) Under guidelines of the Department of Health, qualified health professionals shall provide instructions, equipment, and materials for conducting the examinations.

(c) The rules shall include exemption provisions for students whose parents or guardians contend the examinations violate their personal beliefs.

(2) The school shall notify, in writing, a student's parent or guardian of any impairment disclosed by the examinations.

Amended by Chapter 4, 1996 General Session

53A-11-202. Personnel to perform health examination.

A local school board may use teachers or licensed registered nurses to conduct examinations required under this chapter and licensed physicians as needed for medical consultation related to those examinations.

Enacted by Chapter 2, 1988 General Session

53A-11-203. Vision screening.

(1) As used in this section, "division" means the Division of Services for the Blind and Visually Impaired, State Office of Education.

(2) A child under eight years of age entering school for the first time in this state must present the following to the school:

(a) a certificate signed by a licensed physician, optometrist, or other licensed health professional approved by the division, stating that the child has received vision screening to determine the presence of amblyopia or other visual defects; or

(b) a written statement signed by at least one parent or legal guardian of the child that the screening violates the personal beliefs of the parent or legal guardian.

(3) (a) The division:

(i) shall provide vision screening report forms to a person approved by the division to conduct a free vision screening for children aged 3-1/2 to eight; and

(ii) may work with health care professionals, teachers, and vision screeners to develop protocols that may be used by a parent, teacher, or vision screener to help identify a child who may have conditions that are not detected in a vision screening, such as problems with eye focusing, eye tracking, visual perceptual skills, visual motor integration, and convergence insufficiency; and

(iii) shall, once protocols are established under Subsection (3)(a)(ii), develop language regarding the vision problems identified in Subsection (3)(a)(ii) to be included in the notice required by Subsection (3)(b).

(b) The report forms shall include the following information for a parent or guardian: "vision screening is not a substitute for a complete eye exam and vision evaluation by an eye doctor."

(4) A school district may conduct free vision screening clinics for children aged 3-1/2 to eight.

(5) (a) The division shall maintain a central register of children, aged 3-1/2 to eight, who fail vision screening and who are referred for follow-up treatment.

(b) The register described in Subsection (5)(a) shall include the name of the child, age or birthdate, address, cause for referral, and follow-up results.

(c) A school district shall report referral follow-up results for children aged 3-1/2 to eight to the division.

(6) (a) The division shall coordinate and supervise the training of a person who serves as a vision screener for a free vision screening clinic for children aged 3-1/2 to eight.

(b) A volunteer vision screener providing services under Subsection (6)(a) is not liable for any civil damages as a result of acts or omissions related to the vision screening unless the acts or omissions were willful or grossly negligent.

(7) (a) Except as provided in Subsection (7)(b), a licensed health professional providing vision care to private patients may not participate as a screener in a free vision screening program provided by a school district.

(b) A school district may:

(i) allow a licensed health professional who provides vision care to private patients to participate as a screener in a free vision screening program for a child nine years of age or older;

(ii) establish guidelines to administer a free vision screening program described in Subsection (7)(b)(i); and

(iii) establish penalties for a violation of the requirements of Subsection (7)(c).

(c) A licensed health professional or other person who participates as a screener in a free vision screening program described in Subsection (7)(b):

(i) may not market, advertise, or promote the licensed health professional's business in connection with providing the free screening at the school; and

(ii) shall provide the child's results of the free vision screening on a form produced by the school or school district, which:

(A) may not include contact information other than the name of the licensed health professional; and

(B) shall include a statement: "vision screening is not a substitute for a complete eye exam and vision evaluation by an eye doctor."

(d) A school district may provide information to a parent or guardian of the availability of follow up vision services for a student.

(8) The Department of Health shall:

(a) by rule, set standards and procedures for vision screening required by this chapter, which shall include a process for notifying the parent or guardian of a child who fails a vision screening or is identified as needing follow-up care; and

(b) provide the division with copies of rules, standards, instructions, and test charts necessary for conducting vision screening.

(9) The division shall supervise screening, referral, and follow-up required by this chapter.

Amended by Chapter 132, 2011 General Session

53A-11-204. Nursing services in the public schools -- Collaborative efforts.

(1) (a) Students in the state's public schools may be better protected against risks to health and safety if schools were to have registered nurses readily available to

assist in providing educational and nursing services in the public schools.

(b) Those services would be further enhanced if they could be offered with the active support and participation of local public health departments and private medical providers, most particularly in those areas of the state without currently functioning collaborative programs.

(c) (i) School districts, local health departments, private medical providers, and parents of students are therefore encouraged to work together in determining needs and risks to student health in the state's public schools and in developing and implementing plans to meet those needs and minimize risks to students.

(ii) School community councils or school directors of affected schools shall review the plans prior to their implementation.

(2) School districts are encouraged to provide nursing services equivalent to the services of one registered nurse for every 5,000 students or, in districts with fewer than 5,000 students, the level of services recommended by the Department of Health.

Amended by Chapter 301, 2002 General Session

53A-11-205. Notification to the parent of an injured or sick child.

(1) A public school shall notify the custodial parent and, if requested in writing by a noncustodial parent, make reasonable efforts to notify the noncustodial parent of a student who is injured or becomes ill at the school during the regular school day if:

(a) the injury or illness requires treatment at a hospital, doctor's office, or other medical facility not located on the school premises; and

(b) the school has received a current telephone number for the party it is required to notify or make reasonable efforts to notify.

(2) (a) Subsection (1) does not apply to a noncustodial parent forbidden to have contact with the student under a court order or similar procedure.

(b) The custodial parent is responsible for providing the school with the noncustodial parent's status under Subsection (2)(a) through a procedure adopted by the local school board.

Enacted by Chapter 3, 2001 Special Session 1

53A-11-301. Certificate of immunization required.

(1) Unless exempted for personal, medical, or religious objections as provided in Section 53A-11-302, a student may not attend a public, private, or parochial kindergarten, elementary, or secondary school through grade 12, nursery school, licensed day care center, child care facility, family care home, or headstart program in this state unless there is presented to the appropriate official of the school a certificate of immunization from a licensed physician or authorized representative of the state or local health department stating that the student has received immunization against communicable diseases as required by rules adopted under Section 53A-11-303.

(2) School districts may not receive weighted pupil unit money for a student unless the student has obtained a certificate of immunization under this section or qualifies for conditional enrollment or an exemption from immunization under Section 53A-11-302.

Amended by Chapter 53, 1992 General Session

53A-11-302. Immunizations required -- Exceptions -- Grounds for exemption from required immunizations.

(1) A student may not enter school without a certificate of immunization, except as provided in this section.

(2) Except as provided in Section 53A-1-1001, a student who at the time of school enrollment has not been completely immunized against each specified disease may attend school under a conditional enrollment if the student has received one dose of each specified vaccine prior to enrollment.

(3) A student is exempt from receiving the required immunizations if there is presented to the appropriate official of the school one or more of the following:

(a) a certificate from a licensed physician stating that due to the physical condition of the student one or more specified immunizations would endanger the student's life or health;

(b) A completed form obtained at the local health department where the student resides, providing:

(i) the information required under Subsection 53A-11-302.5(1); and

(ii) a statement that the person has a personal belief opposed to immunizations, which is signed by one of the individuals listed in Subsection 53A-11-302(3)(c) and witnessed by the local health officer or his designee; or

(c) a statement that the person is a bona fide member of a specified, recognized religious organization whose teachings are contrary to immunizations, signed by one of the following persons:

(i) one of the student's parents;

(ii) the student's guardian;

(iii) a legal age brother or sister of a student who has no parent or guardian; or

(iv) the student, if of legal age.

Amended by Chapter 395, 2010 General Session

53A-11-302.5. Personal belief immunization exemption.

(1) The Department of Health shall provide to all local health departments a form to be used by persons claiming an exemption from immunization requirements based on a personal belief opposed to immunization. The form shall include a statement printed on the form and drafted by the Department of Health stating the department's position regarding the benefits of immunization. The form shall require, at a minimum:

(a) a statement claiming exemption from immunizations required under Section 53A-11-302, signed by a person listed under Subsection 53A-11-302(3)(c);

(b) the name and address of the person who signs the form;

(c) the name of the student exempted from immunizations; and

(d) the school at which the student is enrolling.

(2) (a) The Department of Health shall provide these forms to the local health departments.

(b) Local health departments shall make the forms available to the public upon request.

(3) (a) A student enrolling in a school and who claims exemption from immunizations based on a personal belief shall complete the form described in Subsection (1) and provide it to the school officials at the school in which the student is enrolling.

(b) Students who prior to July 1, 1992, claimed an exemption from immunizations based on personal beliefs shall prior to December 1, 1992, complete the form described in Subsection (1) and provide it to the appropriate official of the school the student attends.

Enacted by Chapter 129, 1992 General Session

53A-11-303. Regulations of department.

(1) The Department of Health shall adopt rules to establish which immunizations are required and the manner and frequency of their administration.

(2) The rules adopted shall conform to recognized standard medical practices.

(3) The rules shall require the reporting of statistical information and names of noncompliers by the schools.

Enacted by Chapter 2, 1988 General Session

53A-11-304. Certificate part of student's record -- Forms for certificates -- Transfer of immunization record to official certificate.

(1) Each school shall retain official certificates of immunization for every enrolled student. The certificate becomes a part of the individual student's permanent school record and follows the student through his or her public or private school career.

(2) The Department of Health shall provide official certificate of immunization forms to public and private schools, physicians, and local health departments. The forms referred to in this subsection shall include a clear statement of the student's rights under Section 53A-11-302.

(3) Any immunization record provided by a licensed physician, registered nurse, or public health official may be accepted by a school official as a certificate of immunization if the type of immunization given and the dates given are specified and the information is transferred to an official certificate of immunization and verified by the school district in which the public or private school is located.

Enacted by Chapter 2, 1988 General Session

53A-11-305. Immunization by local health departments -- Fees.

(1) If a student has not been immunized against a disease specified by the Department of Health, he may be immunized by the local health department upon the request of his parent or guardian, or upon the student's request if he is of legal age. The local health department may charge a fee to cover the cost of administration of the vaccine.

(2) The vaccine necessary for immunizations required under Sections

53A-11-301 and 53A-11-303 shall be furnished to local departments of health by the Department of Health. The Department of Health may recover all or part of the cost of vaccines purchased with state funds by charging local health departments a fee for those vaccines. Local health departments may pass the cost of the vaccine on to the student, his parent or guardian, or other responsible party. However, a child may not be refused immunizations by the local health department in his area of residence because of inability to pay.

(3) The Department of Health shall establish the fee for administration of vaccines, as provided by Subsection (1), and shall establish fees for vaccines.

Amended by Chapter 202, 1988 General Session

53A-11-306. Conditional enrollment -- Suspension for noncompliance -- Procedure.

(1) Conditional enrollment time periods may be modified by the department by legally adopted rules.

(2) The requirements for conditional enrollment shall apply to each student unless that student is exempted under Section 53A-11-302.

(3) After five days written notice of a pending suspension and of the student's rights under Section 53A-11-302 shall be mailed to the last-known address of a parent, guardian, or legal age brother or sister of a student who is without parent or guardian, the governing authority of any school shall prohibit further attendance by a student under a conditional enrollment who has failed to obtain the immunization required within time period set forth in Section 53A-11-302 or otherwise established by rule.

(4) Parents or guardians of children who are prohibited from attending school for failure to comply with the provisions of this part shall be referred to the juvenile court.

Enacted by Chapter 2, 1988 General Session

53A-11-401. Definitions.

For purposes of Sections 53A-11-402 through 53A-11-404:

(1) "Educator" means a person employed by a public school, but excludes those employed by institutions of higher education.

(2) "Prohibited act" means an act prohibited by Section 53A-3-501, relating to alcohol; Section 58-37-8, relating to controlled substances; or Section 58-37a-5, relating to drug paraphernalia.

Amended by Chapter 22, 1989 General Session

53A-11-402. Mandatory reporting of prohibited acts.

If an educator has reasonable cause to believe that a student at the public school where the educator is employed has committed a prohibited act, he shall immediately report that to the school's designated educator.

Enacted by Chapter 2, 1988 General Session

53A-11-403. Reporting procedure.

(1) The principal of a public school affected by this chapter shall appoint one educator as the "designated educator" to make all reports required under Sections 53A-11-401 through 53A-11-404.

(2) The designated educator, upon receiving a report of a prohibited act from an educator under Section 53A-11-402, shall immediately report the violation to the student's parent or legal guardian, and may report the violation to an appropriate law enforcement agency or official.

(3) The designated educator may not disclose to the student or to the student's parent or legal guardian the identity of the educator who made the initial report.

Enacted by Chapter 2, 1988 General Session

53A-11-404. Immunity from civil or criminal liability.

An educator who in good faith makes a report under Sections 53A-11-402 and 53A-11-403 is immune from any liability, civil or criminal, that might otherwise result from that action.

Enacted by Chapter 2, 1988 General Session

53A-11-501. Definitions.

As used in this chapter:

(1) "Division" means the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.

(2) "Missing child" has the same meaning as provided in Section 26-2-27.

(3) "State registrar" means the State Registrar of Vital Statistics within the Department of Health.

Amended by Chapter 263, 1998 General Session

53A-11-502. Identifying records -- Reporting requirements.

(1) Upon notification by the division of a missing child in accordance with Section 53-10-203, a school in which that child is currently or was previously enrolled shall flag the record of that child in a manner that whenever a copy of or information regarding the record is requested, the school is alerted to the fact that the record is that of a missing child.

(2) The school shall immediately report any request concerning flagged records or knowledge as to the whereabouts of any missing child to the division.

(3) Upon notification by the division that a missing child has been recovered, the school shall remove the flag from that child's record.

Amended by Chapter 263, 1998 General Session

53A-11-503. Requirement of birth certificate for enrollment of students -- Procedures.

(1) Upon enrollment of a student for the first time in a particular school, that

school shall notify in writing the person enrolling the student that within 30 days he must provide either a certified copy of the student's birth certificate, or other reliable proof of the student's identity and age, together with an affidavit explaining the inability to produce a copy of the birth certificate.

(2) (a) Upon the failure of a person enrolling a student to comply with Subsection (1), the school shall notify that person in writing that unless he complies within 10 days the case shall be referred to the local law enforcement authority for investigation.

(b) If compliance is not obtained within that 10 day period, the school shall refer the case to the division.

(3) The school shall immediately report to the division any affidavit received pursuant to this subsection which appears inaccurate or suspicious.

Amended by Chapter 234, 1993 General Session

53A-11-504. Requirement of school record for transfer of student -- Procedures.

(1) Except as provided in Section 53A-1-1001, a school shall request a certified copy of a transfer student's record, directly from the transfer student's previous school, within 14 days after enrolling the transfer student.

(2) (a) Except as provided in Subsection (2)(b) and Section 53A-1-1001, a school requested to forward a certified copy of a transferring student's record to the new school shall comply within 30 school days of the request.

(b) If the record has been flagged pursuant to Section 53A-11-502, a school may not forward the record to the new school and the requested school shall notify the division of the request.

Amended by Chapter 395, 2010 General Session

53A-11-601. Administration of medication to students -- Prerequisites -- Immunity from liability.

(1) A public or private school that holds any classes in grades kindergarten through 12 may provide for the administration of medication to any student during periods when the student is under the control of the school, subject to the following conditions:

(a) the local school board, charter school governing board, or the private equivalent, after consultation with the Department of Health and school nurses shall adopt policies that provide for:

(i) the designation of volunteer employees who may administer medication;
(ii) proper identification and safekeeping of medication;
(iii) the training of designated volunteer employees by the school nurse;
(iv) maintenance of records of administration; and
(v) notification to the school nurse of medication that will be administered to students; and

(b) medication may only be administered to a student if:

(i) the student's parent or legal guardian has provided a current written and

signed request that medication be administered during regular school hours to the student; and

(ii) the student's licensed health care provider has prescribed the medication and provides documentation as to the method, amount, and time schedule for administration, and a statement that administration of medication by school employees during periods when the student is under the control of the school is medically necessary.

(2) Authorization for administration of medication by school personnel may be withdrawn by the school at any time following actual notice to the student's parent or guardian.

(3) School personnel who provide assistance under Subsection (1) in substantial compliance with the licensed health care provider's written prescription and the employers of these school personnel are not liable, civilly or criminally, for:

(a) any adverse reaction suffered by the student as a result of taking the medication; and

(b) discontinuing the administration of the medication under Subsection (2).

Amended by Chapter 173, 2008 General Session

53A-11-602. Self-administration of asthma medication.

(1) As used in this section, "asthma medication" means prescription or nonprescription, inhaled asthma medication.

(2) A public school shall permit a student to possess and self-administer asthma medication if:

(a) the student's parent or guardian signs a statement:

(i) authorizing the student to self-administer asthma medication; and

(ii) acknowledging that the student is responsible for, and capable of, self-administering the asthma medication; and

(b) the student's health care provider provides a written statement that states:

(i) it is medically appropriate for the student to self-administer asthma medication and be in possession of asthma medication at all times; and

(ii) the name of the asthma medication prescribed or authorized for the student's use.

(3) The Utah Department of Health, in cooperation with the state superintendent of public instruction, shall design forms to be used by public schools for the parental and health care provider statements described in Subsection (2).

(4) Section 53A-11-904 does not apply to the possession and self-administration of asthma medication in accordance with this section.

Enacted by Chapter 4, 2004 General Session

53A-11-603. Administration of glucagon -- Training of volunteer school personnel -- Authority to use glucagon -- Immunity from liability.

(1) As used in this section, "glucagon authorization" means a signed statement from a parent or guardian of a student with diabetes:

(a) certifying that glucagon has been prescribed for the student;

(b) requesting that the student's public school identify and train school personnel who volunteer to be trained in the administration of glucagon in accordance with this section; and

(c) authorizing the administration of glucagon in an emergency to the student in accordance with this section.

(2) (a) A public school shall, within a reasonable time after receiving a glucagon authorization, train two or more school personnel who volunteer to be trained in the administration of glucagon, with training provided by the school nurse or another qualified, licensed medical professional.

(b) A public school shall allow all willing school personnel to receive training in the administration of glucagon, and the school shall assist and may not obstruct the identification or training of volunteers under this Subsection (2).

(c) The Utah Department of Health, in cooperation with the state superintendent of public instruction, shall design a glucagon authorization form to be used by public schools in accordance with this section.

(3) (a) Training in the administration of glucagon shall include:

(i) techniques for recognizing the symptoms that warrant the administration of glucagon;

(ii) standards and procedures for the storage and use of glucagon;

(iii) other emergency procedures, including calling the emergency 911 number and contacting, if possible, the student's parent or guardian; and

(iv) written materials covering the information required under this Subsection (3).

(b) A school shall retain for reference the written materials prepared in accordance with Subsection (3)(a)(iv).

(4) A public school shall permit a student or school personnel to possess or store prescribed glucagon so that it will be available for administration in an emergency in accordance with this section.

(5) (a) A person who has received training in accordance with this section may administer glucagon at a school or school activity to a student with a glucagon authorization if:

(i) the student is exhibiting the symptoms that warrant the administration of glucagon; and

(ii) a licensed health care professional is not immediately available.

(b) A person who administers glucagon in accordance with Subsection (5)(a) shall direct a responsible person to call 911 and take other appropriate actions in accordance with the training materials retained under Subsection (3)(b).

(6) School personnel who provide or receive training under this section and act in good faith are not liable in any civil or criminal action for any act taken or not taken under the authority of this section with respect to the administration of glucagon.

(7) Section 53A-11-601 does not apply to the administration of glucagon in accordance with this section.

(8) Section 53A-11-904 does not apply to the possession and administration of glucagon in accordance with this section.

(9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and Professions, do not apply to a person licensed as a health professional under Title 58, Occupations and Professions, including a nurse, physician, or pharmacist who, in

good faith, trains nonlicensed volunteers to administer glucagon in accordance with this section.

Enacted by Chapter 215, 2006 General Session

53A-11-604. Diabetes medication -- Possession -- Self-administration.

(1) As used in this section, "diabetes medication" means prescription or nonprescription medication used to treat diabetes, including related medical devices, supplies, and equipment used to treat diabetes.

(2) A public school shall permit a student to possess or possess and self-administer diabetes medication if:

(a) the student's parent or guardian signs a statement:

(i) authorizing the student to possess or possess and self-administer diabetes medication; and

(ii) acknowledging that the student is responsible for, and capable of, possessing or possessing and self-administering the diabetes medication; and

(b) the student's health care provider provides a written statement that states:

(i) it is medically appropriate for the student to possess or possess and self-administer diabetes medication and the student should be in possession of diabetes medication at all times; and

(ii) the name of the diabetes medication prescribed or authorized for the student's use.

(3) The Utah Department of Health, in cooperation with the state superintendent of public instruction, shall design forms to be used by public schools for the parental and health care provider statements described in Subsection (2).

(4) Section 53A-11-904 does not apply to the possession and self-administration of diabetes medication in accordance with this section.

Enacted by Chapter 215, 2006 General Session

53A-11-605. Definitions -- School personnel -- Medical recommendations -- Exceptions -- Penalties.

(1) As used in this section:

(a) "Health care professional" means a physician, physician assistant, nurse, dentist, or mental health therapist.

(b) "School personnel" means a school district or charter school employee, including a licensed, part-time, contract, or nonlicensed employee.

(2) School personnel may:

(a) provide information and observations to a student's parent or guardian about that student, including observations and concerns in the following areas:

(i) progress;

(ii) health and wellness;

(iii) social interactions;

(iv) behavior; or

(v) topics consistent with Subsection 53A-13-302(6);

(b) communicate information and observations between school personnel

regarding a child;

(c) refer students to other appropriate school personnel and agents, consistent with local school board or charter school policy, including referrals and communication with a school counselor or other mental health professionals working within the school system;

(d) consult or use appropriate health care professionals in the event of an emergency while the student is at school, consistent with the student emergency information provided at student enrollment;

(e) exercise their authority relating to the placement within the school or readmission of a child who may be or has been suspended or expelled for a violation of Section 53A-11-904; and

(f) complete a behavioral health evaluation form if requested by a student's parent or guardian to provide information to a licensed physician.

(3) School personnel shall:

(a) report suspected child abuse consistent with Section 62A-4a-403;

(b) comply with applicable state and local health department laws, rules, and policies; and

(c) conduct evaluations and assessments consistent with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

(4) Except as provided in Subsection (2), Subsection (6), and Section 53A-11a-203, school personnel may not:

(a) recommend to a parent or guardian that a child take or continue to take a psychotropic medication;

(b) require that a student take or continue to take a psychotropic medication as a condition for attending school;

(c) recommend that a parent or guardian seek or use a type of psychiatric or psychological treatment for a child;

(d) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments; or

(e) make a child abuse or neglect report to authorities, including the Division of Child and Family Services, solely or primarily on the basis that a parent or guardian refuses to consent to:

(i) a psychiatric, psychological, or behavioral treatment for a child, including the administration of a psychotropic medication to a child; or

(ii) a psychiatric or behavioral health evaluation of a child.

(5) Notwithstanding Subsection (4)(e), school personnel may make a report that would otherwise be prohibited under Subsection (4)(e) if failure to take the action described under Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of others.

(6) Notwithstanding Subsection (4), a school counselor or other mental health professional acting in accordance with Title 58, Chapter 60, Mental Health Professional Practice Act, or licensed through the State Board of Education, working within the school system may:

(a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;

(b) recommend, but not require, psychiatric, psychological, or behavioral treatment for a child;

(c) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child in accordance with Section 53A-13-302; and

(d) provide to a parent or guardian, upon the specific request of the parent or guardian, a list of three or more health care professionals or providers, including licensed physicians, psychologists, or other health specialists.

(7) Local school boards or charter schools shall adopt a policy:

(a) providing for training of appropriate school personnel on the provisions of this section; and

(b) indicating that an intentional violation of this section is cause for disciplinary action consistent with local school board or charter school policy and under Section 53A-8a-502.

(8) Nothing in this section shall be interpreted as discouraging general communication not prohibited by this section between school personnel and a student's parent or guardian.

Amended by Chapter 335, 2013 General Session

53A-11-801. Definitions.

As used in this part:

(1) "Child" or "minor child" means a person:

(a) under the age of 18; or

(b) under the age of 23 who is receiving educational services as an individual with a disability.

(2) "Corporal punishment" means the intentional infliction of physical pain upon the body of a minor child as a disciplinary measure.

(3) "School" means any public or private elementary or secondary school, pre-school, care center, nursery school, or business which receives compensation for supervising or educating a child.

Enacted by Chapter 251, 1992 General Session

53A-11-802. Prohibition of corporal punishment -- Use of reasonable and necessary physical restraint or force.

(1) A school employee may not inflict or cause the infliction of corporal punishment upon a child who is receiving services from the school, unless written permission has been given by the student's parent or guardian to do so.

(2) This section does not prohibit the use of reasonable and necessary physical restraint or force in self defense or otherwise appropriate to the circumstances to:

(a) obtain possession of a weapon or other dangerous object in the possession or under the control of a child;

(b) protect the child or another person from physical injury;

- (c) remove from a situation a child who is violent or disruptive; or
- (d) protect property from being damaged.
- (3) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or permit the commission of an act prohibited by this part is void and unenforceable.
- (b) An employee may not be subjected to any sanction for failure or refusal to commit an act prohibited under this part.
- (4) A parochial or private school may exempt itself from the provisions of this section by adopting a policy to that effect and notifying the parents or guardians of children in the school of the exemption.

Enacted by Chapter 251, 1992 General Session

53A-11-803. Investigation of complaint -- Confidentiality -- Immunity.

- (1) (a) The reporting and investigation requirements of Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, apply to complaints on corporal punishment.
- (b) If a violation is confirmed, school authorities shall take prompt and appropriate action, including in-service training and other administrative action, to ensure against a repetition of the violation.
- (2) Reports made on violations of this part are subject to the same requirements of confidentiality as provided under Section 62A-4a-412.
- (3) Any school or individual who in good faith makes a report or cooperates in an investigation by a school or authorized public agency concerning a violation of this part is immune from any civil or criminal liability that might otherwise result by reason of those actions.

Amended by Chapter 260, 1994 General Session

53A-11-804. Liability.

- (1) (a) Corporal punishment which would, but for this part, be considered to be reasonable discipline of a minor under Section 76-2-401 may not be used as a basis for any civil or criminal action.
- (b) A court of competent jurisdiction may take appropriate action against any employing entity if the court finds that the employing entity has not taken reasonable steps to enforce the provisions of this part.
- (2) Civil or criminal action may proceed without hindrance in the case of corporal punishment which would not be reasonable discipline under Sections 76-2-401 and 53A-11-805.

Enacted by Chapter 251, 1992 General Session

53A-11-805. Exception.

Behavior reduction intervention which is in compliance with Section 76-2-401 and with state and local rules adopted under Section 53A-15-301 is excepted from this part.

Enacted by Chapter 251, 1992 General Session

53A-11-806. Defacing or injuring school property -- Student's liability -- Voluntary work program alternative.

(1) Any student who willfully defaces or otherwise injures any school property may be suspended or otherwise disciplined.

(2) (a) Any school district whose property has been lost or willfully cut, defaced, or otherwise injured may withhold the issuance of official written grade reports, diploma, and transcripts of the student responsible for the damage or loss until the student or the student's parent or guardian has paid for the damages.

(b) The student's parent or guardian is liable for damages as otherwise provided in Section 78A-6-1113.

(3) (a) If the student and the student's parent or guardian are unable to pay for the damages or if it is determined by the school in consultation with the student's parents that the student's interests would not be served if the parents were to pay for the damages, then, the school district shall provide for a program of voluntary work for the student in lieu of the payment.

(b) The district shall release the official grades, diploma, and transcripts of the student upon completion of the voluntary work.

(4) Before any penalties are assessed under this section, the local school board shall adopt procedures to insure that the student's right to due process is protected.

(5) No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear.

(6) If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, that student's records, if requested by the department or agency, may not be withheld from the department or agency for nonpayment of damages under this section.

Amended by Chapter 3, 2008 General Session

53A-11-901. Public school discipline policies -- Basis of the policies -- Enforcement.

(1) The Legislature recognizes that every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.

(2) (a) To foster such an environment, each local school board or governing board of a charter school, with input from school employees, parents and guardians of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools.

(b) Each district or charter school shall base its policies on the principle that every student is expected:

(i) to follow accepted rules of conduct; and
(ii) to show respect for other people and to obey persons in authority at the school.

(c) (i) The State Superintendent of Public Instruction shall develop conduct and discipline policy models for elementary and secondary public schools.

(ii) Each district or charter school shall use the models, where appropriate, in developing its conduct and discipline policies under this chapter.

(d) The policies shall emphasize that certain behavior, most particularly behavior which disrupts, is unacceptable and may result in disciplinary action.

(3) The local superintendent and designated employees of the district or charter school shall enforce the policies so that students demonstrating unacceptable behavior and their parents or guardians understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.

Amended by Chapter 161, 2007 General Session

53A-11-901.5. Period of silence.

A teacher may provide for the observance of a period of silence each school day in a public school.

Renumbered and Amended by Chapter 10, 1997 General Session

53A-11-902. Conduct and discipline policies and procedures.

The conduct and discipline policies required under Section 53A-11-901 shall include:

- (1) provisions governing student conduct, safety, and welfare;
- (2) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;
- (3) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (2);
- (4) procedures for the use of reasonable and necessary physical restraint or force in dealing with disruptive students, consistent with Section 53A-11-802;
- (5) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (2), if the conduct threatens harm or does harm to:
 - (a) the school;
 - (b) school property;
 - (c) a person associated with the school; or
 - (d) property associated with a person described in Subsection (5)(c);
- (6) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;
- (7) specific provisions, consistent with Section 53A-15-603, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events; and
- (8) standards and procedures for dealing with habitual disruptive student behavior in accordance with the provisions of this part.

Amended by Chapter 207, 2010 General Session

53A-11-903. Suspension and expulsion procedures -- Notice to parents -- Distribution of policies.

(1) (a) Policies required under this part shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law.

(b) (i) The policies required in Subsection (1)(a) shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.

(ii) Subsection (1)(b)(i) does not apply to that portion of school records which would disclose any information protected under a court order.

(iii) The custodial parent is responsible for providing to the school a certified copy of the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school board or the governing board of a charter school.

(2) (a) Each local school board or governing board of a charter school shall provide for the distribution of a copy of a school's discipline and conduct policy to each student upon enrollment in the school.

(b) A copy of the policy shall be posted in a prominent location in each school.

(c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

Amended by Chapter 161, 2007 General Session

53A-11-904. Grounds for suspension or expulsion from a public school.

(1) A student may be suspended or expelled from a public school for any of the following reasons:

(a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;

(b) willful destruction or defacing of school property;

(c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;

(d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;

(e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or

(f) possession or use of pornographic material on school property.

(2) (a) A student shall be suspended or expelled from a public school for any of the following reasons:

(i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:

(A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

(B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or

(C) the sale, control, or distribution of a drug or controlled substance as defined

in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or

(ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.

(b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:

(i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent or legal guardian; and

(ii) the superintendent, chief administrator, or designee shall determine:

(A) what conditions must be met by the student and the student's parent for the student to return to school;

(B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53A-11-907, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and

(C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or governing board of a charter school and giving highest priority to providing a safe school environment for all students.

(3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.

(4) A suspension or expulsion under this section is not subject to the age limitations under Subsection 53A-11-102(1).

(5) Each local school board and governing board of a charter school shall prepare an annual report for the State Board of Education on:

(a) each violation committed under this section; and

(b) each action taken by the school district against a student who committed the violation.

Amended by Chapter 276, 2010 General Session

**53A-11-905. Delegation of authority to suspend or expel a student --
Procedure for suspension -- Readmission.**

(1) (a) A local board of education may delegate to any school principal or assistant principal within the school district the power to suspend a student in the principal's school for up to 10 school days.

(b) A governing board of a charter school may delegate to the chief administrative officer of the charter school the power to suspend a student in the charter school for up to 10 school days.

(2) The board may suspend a student for up to one school year or delegate that power to the district superintendent, the superintendent's designee, or chief administrative officer of a charter school.

(3) The board may expel a student for a fixed or indefinite period, provided that

the expulsion shall be reviewed by the district superintendent or the superintendent's designee and the conclusions reported to the board, at least once each year.

(4) If a student is suspended, a designated school official shall notify the parent or guardian of the student of the following without delay:

- (a) that the student has been suspended;
- (b) the grounds for the suspension;
- (c) the period of time for which the student is suspended; and
- (d) the time and place for the parent or guardian to meet with a designated school official to review the suspension.

(5) (a) A suspended student shall immediately leave the school building and the school grounds following a determination by the school of the best way to transfer custody of the student to the parent or guardian or other person authorized by the parent or applicable law to accept custody of the student.

(b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be readmitted to a public school until:

(i) the student and the parent or guardian have met with a designated school official to review the suspension and agreed upon a plan to avoid recurrence of the problem; or

(ii) in the discretion of the principal or chief administrative officer of a charter school, the parent or guardian of the suspended student and the student have agreed to participate in such a meeting.

(c) A suspension may not extend beyond 10 school days unless the student and the student's parent or guardian have been given a reasonable opportunity to meet with a designated school official and respond to the allegations and proposed disciplinary action.

Amended by Chapter 161, 2007 General Session

53A-11-906. Alternatives to suspension or expulsion.

(1) Each local school board or governing board of a charter school shall establish:

(a) policies providing that prior to suspending or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is required, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school; and

(b) alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent or guardian, with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.

(2) If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and discipline policies of the district or the school.

(3) The parent or guardian of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the

student's suspension.

(4) The state superintendent of public instruction, in cooperation with school districts and charter schools, shall:

- (a) research methods of motivating and providing incentives to students that:
 - (i) directly and regularly reward or recognize appropriate behavior;
 - (ii) impose immediate and direct consequences on students who fail to comply with district or school standards of conduct; and
 - (iii) keep the students in school, or otherwise continue student learning with appropriate supervision or accountability;
- (b) explore funding resources to implement methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
- (c) evaluate the benefits and costs of methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
- (d) publish a report that incorporates the research findings, provides model plans with suggested resource pools, and makes recommendations for local school boards and school personnel;
- (e) submit the report described in Subsection (4)(d) to the Education Interim Committee; and
- (f) maintain data for purposes of accountability, later reporting, and future analysis.

Amended by Chapter 82, 2007 General Session

Amended by Chapter 161, 2007 General Session

53A-11-907. Student suspended or expelled -- Responsibility of parent or guardian -- Application for students with disabilities.

(1) If a student is suspended or expelled from a public school under this part for more than 10 school days, the parent or guardian is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion.

(2) (a) The parent or guardian shall work with designated school officials to determine how that responsibility might best be met through private education, an alternative program offered by or through the district or charter school, or other alternative which will reasonably meet the educational needs of the student.

(b) The parent or guardian and designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies to meet the student's educational needs.

(3) Costs for educational services which are not provided by the school district or charter school are the responsibility of the student's parent or guardian.

(4) (a) Each school district or charter school shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the individual student's transcript.

(b) The district or charter school shall contact the parent or guardian of each suspended or expelled student under the age of 16 at least once each month to determine the student's progress.

(5) (a) This part applies to students with disabilities to the extent permissible

under applicable law or regulation.

(b) If application of any requirement of this part to a student with a disability is not permissible under applicable law or regulation, the responsible school authority shall implement other actions consistent with the conflicting law or regulation which shall most closely correspond to the requirements of this part.

Amended by Chapter 161, 2007 General Session

53A-11-908. Extracurricular activities -- Prohibited conduct -- Reporting of violations -- Limitation of liability.

(1) The Legislature recognizes that:

(a) participation in student government and extracurricular activities may confer important educational and lifetime benefits upon students, and encourages school districts and charter schools to provide a variety of opportunities for all students to participate in such activities in meaningful ways;

(b) there is no constitutional right to participate in these types of activities, and does not through this section or any other provision of law create such a right;

(c) students who participate in student government and extracurricular activities, particularly competitive athletics, and the adult coaches, advisors, and assistants who direct those activities, become role models for others in the school and community;

(d) these individuals often play major roles in establishing standards of acceptable behavior in the school and community, and establishing and maintaining the reputation of the school and the level of community confidence and support afforded the school; and

(e) it is of the utmost importance that those involved in student government, whether as officers or advisors, and those involved in competitive athletics and related activities, whether students or staff, comply with all applicable laws and rules of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.

(2) (a) The State Board of Education may, and local boards of education and governing boards of charter schools shall, adopt rules implementing this section that apply to both students and staff.

(b) Those rules shall include prohibitions against the following types of conduct, while in the classroom, on school property, during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections 53A-11-902(5)(a) through (d):

(i) use of foul, abusive, or profane language while engaged in school related activities;

(ii) illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and

(iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

(3) (a) School employees who reasonably believe that a violation of this section may have occurred shall immediately report that belief to the school principal, district superintendent, or chief administrative officer of a charter school.

(b) Principals who receive a report under Subsection (3)(a) shall submit a report of the alleged incident, and actions taken in response, to the district superintendent or the superintendent's designee within 10 working days after receipt of the report.

(c) Failure of a person holding a professional certificate to report as required under this Subsection (3) constitutes an unprofessional practice.

(4) Limitations of liability set forth under Section 53A-11-1004 apply to this section.

Amended by Chapter 114, 2010 General Session

53A-11-910. Disruptive student behavior.

(1) As used in this section:

(a) "Disruptive student behavior" includes:

(i) the grounds for suspension or expulsion described in Section 53A-11-904;
and

(ii) the conduct described in Subsection 53A-11-908(2)(b).

(b) "Parent" includes:

(i) a custodial parent of a school-age minor;
(ii) a legally appointed guardian of a school-age minor; or
(iii) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (1)(b)(i) or (ii).

(c) "Qualifying minor" means a school-age minor who:

(i) is at least nine years old; or
(ii) turns nine years old at any time during the school year.

(d) "School year" means the period of time designated by a local school board or local charter board as the school year for the school where the school-age minor is enrolled.

(2) A local school board, school district, governing board of a charter school, or charter school may impose administrative penalties on a school-age minor who violates this part.

(3) (a) It is unlawful for a school-age minor to engage in disruptive student behavior.

(b) A qualifying minor is subject to the jurisdiction of the juvenile court if the qualifying minor:

(i) engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;

(ii) (A) engages in disruptive student behavior, that does not result in suspension or expulsion, at least three times during the school year; and

(B) engages in disruptive student behavior, that results in suspension or expulsion, at least once during the school year; or

(iii) engages in disruptive student behavior, that results in suspension or expulsion, at least twice during the school year.

(4) (a) A local school board or governing board of a charter school shall:

(i) authorize a school administrator or a designee of a school administrator to issue notices of disruptive student behavior to qualifying minors; and

(ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of disruptive student behavior.

(b) A school representative shall provide to a parent of a school-age minor, a list of resources available to assist the parent in resolving the school-age minor's disruptive student behavior problem.

(c) A local school board or governing board of a charter school shall establish procedures for a school counselor or other designated school representative to work with a qualifying minor who engages in disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior problems before the qualifying minor becomes subject to the jurisdiction of the juvenile court as provided for under this section.

(5) The notice of disruptive student behavior described in Subsection (4)(a):

(a) shall be issued to a qualifying minor who:

(i) engages in disruptive student behavior, that does not result in suspension or expulsion, three times during the school year; or

(ii) engages in disruptive student behavior, that results in suspension or expulsion, once during the school year;

(b) shall require that the qualifying minor and a parent of the qualifying minor:

(i) meet with school authorities to discuss the qualifying minor's disruptive student behavior; and

(ii) cooperate with the local school board or governing board of a charter school in correcting the school-age minor's disruptive student behavior;

(c) shall contain a statement indicating:

(i) the number of additional times that, if the qualifying minor engages in disruptive student behavior that does not result in suspension or expulsion, will result in the qualifying minor receiving a habitual disruptive student behavior citation; and

(ii) that the qualifying minor will receive a habitual disruptive student behavior citation if the qualifying minor engages in disruptive student behavior that results in suspension or expulsion; and

(d) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.

(6) A habitual disruptive student behavior citation:

(a) may only be issued to a qualifying minor who:

(i) engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;

(ii) (A) engages in disruptive student behavior, that does not result in suspension or expulsion, at least three times during the school year; and

(B) engages in disruptive student behavior, that results in suspension or expulsion, at least once during the school year; or

(iii) engages in disruptive student behavior, that results in suspension or expulsion, at least twice during the school year; and

(b) may only be issued by a school administrator, a designee of a school administrator, or a truancy specialist, who is authorized by a local school board or governing board of a local charter school to issue habitual disruptive student behavior

citations.

(7) (a) A qualifying minor to whom a habitual disruptive student behavior citation is issued under Subsection (6) shall be referred to the juvenile court for violation of Subsection (3).

(b) Within five days after the day on which a habitual disruptive student behavior citation is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the citation, of the efforts made by a school counselor or representative under Subsection (4)(c).

(8) Nothing in this part prohibits a local school board, school district, governing board of a charter school, or charter school from taking any lawful action not in conflict with the provisions of this section, including action described in this part and action relating to a habitually truant or ungovernable child, to address a disruptive student behavior problem of:

(a) a school-age minor who is not a qualifying minor; or

(b) a qualifying minor, regardless of the number of times that the qualifying minor has engaged in disruptive student behavior during the school year.

Amended by Chapter 250, 2008 General Session

53A-11-1001. Notification by juvenile court and law enforcement agencies.

(1) Notifications received from the juvenile court or law enforcement agencies by the school district pursuant to Subsections 78A-6-112(3)(b) and 78A-6-117(1)(b) are governed by this part.

(2) School districts may enter into agreements with law enforcement agencies for notification under Subsection (1).

Amended by Chapter 3, 2008 General Session

53A-11-1002. Superintendent required to notify school.

(1) Within three days of receiving the information from the juvenile court or a law enforcement agency, the district superintendent shall notify the principal of the school the juvenile attends or last attended.

(2) Upon receipt of the information, the principal shall:

(a) make a notation in a secure file other than the student's permanent file; and

(b) if the student is still enrolled in the school, notify staff members who, in his opinion, should know of the adjudication.

(3) A person receiving information pursuant to this part may only disclose the information to other persons having both a right and a current need to know.

(4) Access to secure files shall be limited to persons authorized to receive information under this part.

Amended by Chapter 102, 2004 General Session

53A-11-1003. Board to set procedures.

The State Board of Education shall make rules governing the dissemination of the information.

Enacted by Chapter 256, 1994 General Session

53A-11-1004. Liability for release of information.

(1) The district superintendent, principal, and any staff member notified by the principal may not be held liable for information which may become public knowledge unless it can be shown by clear and convincing evidence that the information became public knowledge through an intentional act of the superintendent, principal, or a staff member.

(2) A person receiving information under Subsection 78A-6-112(3)(b), 78A-6-117(1)(b), or Section 53A-11-1002 is immune from any liability, civil or criminal, for acting or failing to act in response to the information unless the person acts or fails to act due to malice, gross negligence, or deliberate indifference to the consequences.

Amended by Chapter 3, 2008 General Session

53A-11-1101. Notification of teachers of weapons on school property -- Immunity from civil and criminal liability.

(1) Whenever a student is found on school property during school hours or at a school-sponsored activity in possession of a dangerous weapon and that information is reported to or known by the principal, the principal shall notify law enforcement personnel and school or district personnel who, in the opinion of the principal, should be informed.

(2) A person who in good faith reports information under Subsection (1) and any person who receives the information is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.

Enacted by Chapter 256, 1994 General Session

53A-11-1201. Title.

This part is known as the "Student Clubs Act."

Enacted by Chapter 114, 2007 General Session

53A-11-1202. Definitions.

As used in this part:

(1) "Bigotry" means action or advocacy of imminent action involving:

- (a) the harassment or denigration of a person or entity; or
- (b) any intent to cause a person not to freely enjoy or exercise any right secured by the constitution or laws of the United States or the state, except that an evaluation or prohibition may not be made of the truth or falsity of any religious belief or expression of conscience unless the means of expression or conduct arising therefrom violates the standards of conduct outlined in this section, Section 53A-13-101.3, or 20 U.S.C. Section 4071(f).

(2) "Club" means any student organization that meets during noninstructional time.

(3) "Conscience" means a standard based upon learned experiences, a personal philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of right and wrong which is felt on an individual basis, a belief in an external absolute, or any combination of the foregoing.

(4) "Curricular club" means a club that is school sponsored and that may receive leadership, direction, and support from the school or school district beyond providing a meeting place during noninstructional time. An elementary school curricular club means a club that is organized and directed by school sponsors at the elementary school. A secondary school curricular club means a club:

- (a) whose subject matter is taught or will soon be taught in a regular course;
- (b) whose subject matter concerns the body of courses as a whole;
- (c) in which participation is required for a particular course; or
- (d) in which participation results in academic credit.

(5) (a) "Discretionary time" means school-related time for students that is not instructional time.

(b) "Discretionary time" includes free time before and after school, during lunch and between classes or on buses, and private time before athletic and other events or activities.

(6) (a) "Encourage criminal or delinquent conduct" means action or advocacy of imminent action that violates any law or administrative rule.

(b) "Encourage criminal or delinquent conduct" does not include discussions concerning changing of laws or rules, or actions taken through lawfully established channels to effectuate such change.

(7) (a) "Instructional time" means time during which a school is responsible for a student and the student is required or expected to be actively engaged in a learning activity.

(b) "Instructional time" includes instructional activities in the classroom or study hall during regularly scheduled hours, required activities outside the classroom, and counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacities during or outside of regular school hours.

(8) "Involve human sexuality" means:

(a) presenting information in violation of laws governing sex education, including Sections 53A-13-101 and 53A-13-302;

(b) advocating or engaging in sexual activity outside of legally recognized marriage or forbidden by state law; or

(c) presenting or discussing information relating to the use of contraceptive devices or substances, regardless of whether the use is for purposes of contraception or personal health.

(9) "Limited open forum" means a forum created by a school district or charter school for student expression within the constraints of Subsection 53A-13-101.3(2)(b).

(10) "Noncurricular club" is a student initiated group that may be authorized and allowed school facilities use during noninstructional time in secondary schools by a school and school governing board in accordance with the provisions of this part. A noncurricular club's meetings, ideas, and activities are not sponsored or endorsed in any way by a school governing board, the school, or by school or school district employees.

(11) "Noninstructional time" means time set aside by a school before instructional time begins or after instructional time ends, including discretionary time.

(12) "Religious club" means a noncurricular club designated in its application as either being religiously based or based on expression or conduct mandated by conscience.

(13) "School" means a public school, including a charter school.

(14) (a) "School facilities use" means access to a school facility, premises, or playing field.

(b) "School facilities use" includes access to a limited open forum.

(15) "School governing board" means a local school board or charter school board.

Amended by Chapter 403, 2011 General Session

53A-11-1203. Student clubs -- Limited open forum -- Authorization.

(1) (a) A school may establish and maintain a limited open forum for student clubs pursuant to the provisions of this part, State Board of Education rules, and school governing board policies.

(b) Notwithstanding the provisions under Subsection (1)(a), a school retains the right to create a closed forum at any time by allowing curricular clubs only.

(2) (a) A school shall review applications for authorization of clubs on a case-by-case basis.

(b) Before granting an authorization, the school shall find:

(i) that the proposed club meets this part's respective requirements of a curricular club or a noncurricular club; and

(ii) that the proposed club's purpose and activities comply with this part.

(c) Before granting an authorization, a school may request additional information from the faculty sponsor, from students proposing the club, or from its school governing board, if desired.

(3) A school shall grant authorization and school facilities use to curricular and noncurricular clubs whose applications are found to meet the requirements of this part, rules of the State Board of Education, and policies of the school governing board and shall limit or deny authorization or school facilities use to proposed clubs that do not meet the requirements of this part, rules of the State Board of Education, and policies of the school governing board.

Amended by Chapter 403, 2011 General Session

53A-11-1204. Curricular clubs -- Authorization.

(1) Faculty members or students proposing a curricular club shall submit written application for authorization on a form approved by the school governing board.

(2) A school governing board may exempt a club whose membership is determined by student body election or a club that is governed by an association that regulates interscholastic activities from the authorization requirements under this section.

(3) An application for authorization of a curricular club shall include:

(a) the recommended club name;
(b) a statement of the club's purpose, goals, and activities;
(c) a statement of the club's categorization, which shall be included in the parental consent required under Section 53A-11-1210, indicating all of the following that may apply:

- (i) athletic;
 - (ii) business/economic;
 - (iii) agriculture;
 - (iv) art/music/performance;
 - (v) science;
 - (vi) gaming;
 - (vii) religious;
 - (viii) community service/social justice; and
 - (ix) other;
- (d) the recommended meeting times, dates, and places;
(e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and
(f) a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.

(4) The application may be as brief as a single page so long as it contains the items required under this section.

(5) A school shall approve the name of a curricular club consistent with the club's purposes and its school sponsorship.

(6) (a) A school shall determine curriculum relatedness by strictly applying this part's definition of curricular club to the club application.

(b) If the school finds that the proposed club is a curricular club, the school shall continue to review the application as an application for authorization of a curricular club.

(c) If the school finds that the proposed club is a noncurricular club, the school may:

- (i) return the application to the faculty member or students proposing the club for amendment; or
- (ii) review the application as an application for authorization of a noncurricular club.

(7) (a) Only curricular clubs may be authorized for elementary schools.

(b) A school governing body may limit, or permit a secondary school to limit, the authorization of clubs at the secondary school to only curricular clubs.

Enacted by Chapter 114, 2007 General Session

53A-11-1205. Noncurricular clubs -- Annual authorization.

- (1) A noncurricular club shall have a minimum of three members.
- (2) Students proposing a noncurricular club shall submit a written application for authorization on a form approved by the school governing board.
- (3) An application for authorization of a noncurricular club shall include:
 - (a) the recommended club name;
 - (b) a statement of the club's purpose, goals, and activities;

(c) a statement of the club's categorization, which shall be included in the parental consent required under Section 53A-11-1210, indicating all of the following that may apply:

- (i) athletic;
- (ii) business/economic;
- (iii) agriculture;
- (iv) art/music/performance;
- (v) science;
- (vi) gaming;
- (vii) religious;
- (viii) community service/social justice; and
- (ix) other;

(d) the recommended meeting times, dates, and places;

(e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and

(f) a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.

(4) The application may be as brief as a single page so long as it contains the items required under this section.

(5) (a) A school governing board may provide for approval of a noncurricular club name in an action separate from that relating to authorization of the club itself.

(b) A school governing board shall require:

(i) that a noncurricular club name shall reasonably reflect the club's purpose, goals, and activities; and

(ii) that the noncurricular club name shall be a name that would not result in or imply a violation of this part.

Enacted by Chapter 114, 2007 General Session

53A-11-1206. Clubs -- Limitations and denials.

(1) A school shall limit or deny authorization or school facilities use to a club, or require changes prior to granting authorization or school facilities use:

(a) as the school determines it to be necessary to:

(i) protect the physical, emotional, psychological, or moral well-being of students and faculty;

(ii) maintain order and discipline on school premises;

(iii) prevent a material and substantial interference with the orderly conduct of a school's educational activities;

(iv) protect the rights of parents or guardians and students;

(v) maintain the boundaries of socially appropriate behavior; or

(vi) ensure compliance with all applicable laws, rules, regulations, and policies;

or

(b) if a club's proposed charter and proposed activities indicate students or advisors in club related activities would as a substantial, material, or significant part of their conduct or means of expression:

(i) encourage criminal or delinquent conduct;

- (ii) promote bigotry;
- (iii) involve human sexuality; or
- (iv) involve any effort to engage in or conduct mental health therapy, counseling, or psychological services for which a license would be required under state law.

(2) A school governing board has the authority to determine whether any club meets the criteria of Subsection (1).

(3) If a school or school governing board limits or denies authorization to a club, the school or school governing board shall provide, in writing, to the applicant the factual and legal basis for the limitation or denial.

(4) A student's spontaneous expression of sentiments or opinions otherwise identified in Subsection 53A-13-302(1) is not prohibited.

Amended by Chapter 403, 2011 General Session

53A-11-1207. Faculty oversight of authorized clubs.

(1) A school shall approve the faculty sponsor, supervisor, or monitor for each authorized curricular, noncurricular, and religious club to provide oversight consistent with this part and the needs of the school to ensure that the methods of expression, religious practices, or other conduct of the students or advisors involved do not:

- (a) unreasonably interfere with the ability of school officials to maintain order and discipline;
- (b) unreasonably endanger or threaten the well-being of persons or property;
- (c) violate concepts of civility or propriety appropriate to a school setting; or
- (d) violate applicable laws, rules, regulations, and policies.

(2) (a) A school shall annually approve faculty members as sponsors of curricular clubs.

(b) Faculty sponsors shall organize and direct the purpose and activities of a curricular club.

(3) (a) A school shall approve faculty members to serve as supervisors for authorized noncurricular clubs.

(b) A faculty supervisor shall provide oversight to ensure compliance with the approved club purposes, goals, and activities and with the provisions of this part and other applicable laws, rules, and policies.

(c) The approval of a faculty supervisor or monitor does not constitute school sponsorship of the club.

(d) A faculty monitor approved for a religious club may not participate in the activities of the religious club, except to perform the supervisory role required by this section.

(4) Without the prior approval by the school, a person who is not a school faculty member or a club member may not:

- (a) make a presentation to a noncurricular club; or
- (b) direct, conduct, control, or regularly attend the meetings of a noncurricular club.

Enacted by Chapter 114, 2007 General Session

53A-11-1208. Use of school facilities by clubs.

- (1) A school shall determine and assign school facilities use for curricular and noncurricular clubs consistent with the needs of the school.
- (2) The following rules apply to curricular clubs:
 - (a) in assigning school facilities use, the administrator may give priority to curricular clubs over noncurricular clubs; and
 - (b) the school may provide financial or other support to curricular clubs.
- (3) The following rules apply to noncurricular clubs:
 - (a) a preference or priority may not be given among noncurricular clubs;
 - (b) (i) a school shall only provide the space for noncurricular club meetings; and
 - (ii) a school may not spend public funds for noncurricular clubs, except as required to implement the provisions of this part, including providing space and faculty oversight for noncurricular clubs;
 - (c) a school shall establish the noninstructional times during which noncurricular clubs may meet;
 - (d) a school may establish the places that noncurricular clubs may meet;
 - (e) a school may set the number of hours noncurricular clubs may use the school's facilities per month, provided that all noncurricular clubs shall be treated equally; and
 - (f) a school shall determine what access noncurricular clubs shall be given to the school newspaper, yearbook, bulletin boards, or public address system, provided that all noncurricular clubs shall be treated equally.

Amended by Chapter 403, 2011 General Session

53A-11-1209. Club membership.

- (1) A school shall require written parental or guardian consent for student participation in all curricular and noncurricular clubs at the school.
- (2) Membership in curricular clubs is governed by the following rules:
 - (a) (i) membership may be limited to students who are currently attending the sponsoring school or school district; and
 - (ii) members who attend a school other than the sponsoring school shall have, in addition to the consent required under Section 53A-11-1210, specific parental or guardian permission for membership in a curricular club at another school;
 - (b) (i) curricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and
 - (ii) try-outs may not require activities that violate the provisions of this part and other applicable laws, rules, and policies; and
 - (c) other rules as determined by the State Board of Education, school district, or school.
- (3) Membership in noncurricular clubs is governed by the following rules:
 - (a) student membership in a noncurricular club is voluntary;
 - (b) membership shall be limited to students who are currently attending the school;
 - (c) (i) noncurricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and

(ii) try-outs may not require activities that violate the provisions of this part and other applicable laws, rules, and policies;

(d) a copy of any written or other media materials that were presented at a noncurricular club meeting by a nonschool person shall be delivered to a school administrator no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent or legal guardian shall have an opportunity to review those materials; and

(e) other rules as determined by the State Board of Education, school district, or school.

Enacted by Chapter 114, 2007 General Session

53A-11-1210. Parental consent.

(1) A school shall require written parental or guardian consent for student participation in all curricular and noncurricular clubs at the school.

(2) The consent described in Subsection (1) shall include an activity disclosure statement containing the following information:

(a) the specific name of the club;
(b) a statement of the club's purpose, goals, and activities;
(c) a statement of the club's categorization, which shall be obtained from the application for authorization of a club in accordance with the provisions of Section 53A-11-1204 or 53A-11-1205, indicating all of the following that may apply:

(i) athletic;
(ii) business/economic;
(iii) agriculture;
(iv) art/music/performance;
(v) science;
(vi) gaming;
(vii) religious;
(viii) community service/social justice; and
(ix) other;
(d) beginning and ending dates;
(e) a tentative schedule of the club activities with dates, times, and places specified;

(f) personal costs associated with the club, if any;
(g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and

(h) any additional information considered important for the students and parents to know.

(3) All completed parental consent forms shall be filed by the parent or the club's sponsor, supervisor, or monitor with the school's principal, the chief administrative officer of a charter school, or their designee.

Enacted by Chapter 114, 2007 General Session

53A-11-1211. Violations -- Investigations -- School responses.

(1) A school shall investigate any report or allegation that an authorized curricular or noncurricular club is:

(a) participating in activities beyond the scope of its purpose; or
(b) in violation of a provision of this part or another applicable law, rule, regulation, or policy.

(2) After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the students involved, and the person making the report or allegation, if a violation is substantiated, the school may do any of the following:

(a) allow the club's original statement of its purpose, goals, and activities to be modified to include the activities if they are in compliance with the provisions of this part and other applicable laws, rules, regulations, or policies;

(b) instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in the future;

(c) limit or suspend the club's authorization or school facilities use pending further corrective action as determined by the school; or

(d) terminate the club's authorization and dissolve the club.

(3) Any limitation on expression, practice, or conduct of any student, advisor, or guest in a meeting of a curricular or noncurricular club, or limitation on school facilities use, shall be by the least restrictive means necessary to satisfy the school's interests as identified in this part.

(4) A club that has been terminated in accordance with Subsection (2)(d) may not reapply for authorization until the following school year.

(5) A student who makes a false allegation or report under this section shall be subject to school discipline.

Amended by Chapter 403, 2011 General Session

53A-11-1212. Appeals -- Procedures.

(1) (a) A completed application or complaint shall be approved, denied, or investigated by the school within a reasonable amount of time.

(b) If an application or complaint is denied, written reasons for the denial or results of the investigation shall be stated and, if appropriate, suggested corrections shall be made to remedy the deficiency.

(c) A club that is denied school facilities use shall be informed at the time of the denial of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial could be corrected.

(2) (a) If denied, suspended, or terminated, a club, student desirous of participating or speaking, or a complaining parent or guardian, has 10 school days from the date of the denial, suspension, or termination to file a written appeal from the denial, suspension, or termination to a designee authorized by the school governing board.

(b) The designee shall issue a determination within a reasonable amount of time from receipt of the appeal, which decision is final and constitutes satisfaction of all administrative remedies unless the time for evaluation is extended by agreement of all parties.

(3) A person directly affected by a decision made in accordance with the

provisions of this part may appeal the decision by writing to a person designated by the school governing board.

Amended by Chapter 403, 2011 General Session

53A-11-1213. Rulemaking -- State Board of Education -- School governing boards.

The State Board of Education may adopt additional rules and school governing boards may adopt additional rules or policies governing clubs that do not conflict with the provisions of this part.

Enacted by Chapter 114, 2007 General Session

53A-11-1214. Severability.

If any provision of this part or the application of any provision to any person or circumstance, is held invalid, the remainder of this part shall be given effect without the invalid provision or application.

Enacted by Chapter 114, 2007 General Session

53A-11-1301. Definitions.

(1) The definitions in Sections 58-37-2, 58-37a-3, and 58-37b-2 apply to this part.

(2) As used in this part:

(a) "Prohibited act" means an act punishable under Section 53A-3-501, Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b.

(b) "School" means a public or private elementary or secondary school.

Renumbered and Amended by Chapter 3, 2008 General Session

53A-11-1302. Reporting of prohibited acts affecting a school -- Confidentiality.

(1) A person who has reasonable cause to believe that an individual has committed a prohibited act shall immediately notify:

(a) the nearest law enforcement agency;

(b) the principal;

(c) an administrator of the affected school;

(d) the superintendent of the affected school district; or

(e) an administrator of the affected school district.

(2) If notice is given to a school official, the official may authorize an investigation into allegations involving school property, students, or school district employees.

(3) School officials may refer a complaint of an alleged prohibited act reported as occurring on school grounds or in connection with school-sponsored activities to an appropriate law enforcement agency. Referrals shall be made by school officials if the complaint alleges the prohibited act occurred elsewhere.

(4) The identity of persons making reports pursuant to this section shall be kept confidential.

Renumbered and Amended by Chapter 3, 2008 General Session

53A-11-1303. Immunity from civil or criminal liability.

Any person, official, or institution, other than a law enforcement officer or law enforcement agency, participating in good faith in making a report or conducting an investigation under the direction of school or law enforcement authorities under this part, is immune from any liability, civil or criminal, that otherwise might result by reason of that action.

Renumbered and Amended by Chapter 3, 2008 General Session

53A-11-1304. Admissibility of evidence in civil and criminal actions.

(1) Evidence relating to violations of this part which is seized by school authorities acting alone, on their own authority, and not in conjunction with or at the behest of law enforcement authorities is admissible in civil and criminal actions.

(2) A search under this section must be based on at least a reasonable belief that the search will turn up evidence of a violation of this part. The measures adopted for the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the circumstances, including the age and sex of the person involved and the nature of the infraction.

Renumbered and Amended by Chapter 3, 2008 General Session

53A-11-1305. Board rules to ensure protection of individual rights.

The State Board of Education and local boards of education shall adopt rules to implement this part. The rules shall establish procedures to ensure protection of individual rights against excessive and unreasonable intrusion.

Renumbered and Amended by Chapter 3, 2008 General Session

53A-11-1501. Title.

This part is known as "School Safety Tip Line."

Enacted by Chapter 412, 2014 General Session

53A-11-1502. Definitions.

As used in this part, "commission" means the School Safety Tip Line Commission established in Section 53A-11-1504.

Enacted by Chapter 412, 2014 General Session

53A-11-1503. School Safety Tip Line established.

A School Safety Tip Line is established to provide a means for a public school

student, parent, school employee, or citizen to make anonymous reports concerning unsafe, violent, or criminal activities, or the threat of such activities.

Enacted by Chapter 412, 2014 General Session

53A-11-1504. School Safety Tip Line Commission established -- Members.

(1) There is created the School Safety Tip Line Commission, within the Office of the Attorney General, composed of the following members:

(a) one member who represents the Office of the Attorney General, appointed by the attorney general;

(b) two members who represent the Utah Public Education System, appointed by the State Board of Education;

(c) one member who represents the Utah Department of Health, appointed by the executive director of the Department of Health;

(d) two members of the House of Representatives, appointed by the speaker of the House of Representatives; and

(e) two members of the Senate, appointed by the president of the Senate.

(2) (a) The attorney general's designee shall serve as chair of the commission.

(b) The chair shall set the agenda for commission meetings.

(3) Attendance of a simple majority of the members constitutes a quorum for the transaction of official commission business.

(4) Formal action by the commission requires a majority vote of a quorum.

(5) (a) Except as provided in Subsection (5)(b), a member may not receive compensation, benefits, per diem, or travel expenses for the member's service.

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(6) The Office of the Attorney General shall provide staff support to the commission.

Enacted by Chapter 412, 2014 General Session

53A-11-1505. School Safety Tip Line Commission duties -- Reporting requirements.

(1) (a) The commission shall:

(i) designate a School Safety Tip Line provider network after consideration of the ability of the proposed provider network's ability to:

(A) provide the services described in Section 53A-11-1503 24 hours a day, seven days a week; and

(B) employ, as operators, social workers licensed by the Division of Occupational and Professional Licensing under Section 58-60-204;

(ii) estimate the cost of operating a School Safety Tip Line including the extent to which operations will be funded through private donations and grants; and

(iii) designate a phone number for the School Safety Tip Line.

(b) The commission may conduct other business related to establishing a School Safety Tip Line.

- (2) The commission shall report to the Education Interim Committee and the Executive Appropriations Committee before November 30, 2014, regarding:
- (a) how the commission fulfilled its duties during the year; and
 - (b) recommendations for future legislation related to a School Safety Tip Line.

Enacted by Chapter 412, 2014 General Session